

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

BRITTNEY KENNEDY, INDIVIDUALLY)
and as Surviving Spouse, on behalf of minor)
M.S.K. and as Anticipated Personal)
Representative of the Estate of MARQUIS)
KENNEDY,)

Plaintiff,

v.

THE CITY OF ARLINGTON, TEXAS,)
THE ARLINGTON POLICE)
DEPARTMENT, D/B/A ARLINGTON)
BASIC POLICE TRAINING ACADEMY,)
CITY OF ARLINGTON PURCHASING)
DEPARTMENT, AND GRACIE)
UNIVERSITY)

Defendants.)

CASE NO. 4:24-cv-00208-P

JURY TRIAL DEMANDED

NOTICE OF SETTLEMENT AND MOTION FOR APPROVAL OF SETTLEMENT

COMES NOW, Plaintiff, Brittney Kennedy, individually and as surviving spouse, on behalf of minor, M.S.K. and as anticipated personal representative of the Estate of Marquis Kennedy (“Plaintiff”), by and through her undersigned counsel, hereby files this Notice of Settlement and Motion for approval of settlement of a minor on behalf of Defendant, Gracie University, and in support states as follows:

1. This matter involves the wrongful death claims of Plaintiff and her minor son, M.S.K., who will be 18 years old on February 23, 2039. Plaintiff’s husband and M.S.K.’s father, Marquis Kennedy died on September 23, 2022, after participating in jiu-jitsu training with certified Arlington Police Officers which had been implemented and designed by Gracie University.

2. All claims between Brittney Kennedy, individually and as surviving spouse, on behalf of minor, M.S.K. and as anticipated personal representative of the Estate of Marquis Kennedy and Defendant, Gracie University (“Gracie”) have been settled, and no further claims against Gracie remain before this Court.

3. Accordingly, the parties propose that the net settlement proceeds to the minor, M.S.K., will be used to purchase an annuity contract with M.S.K. named as the payee. The annuity will distribute funds according to a predetermined schedule, ensuring a stream of income over time rather than a single lump sum. The initial payment will be a lump sum distributed on February 23, 2039, when M.S.K. becomes eighteen (18) or the age of majority. This provides an immediate benefit upon reaching a certain age. Following the initial lump sum, payments will be made annually beginning February 23, 2042, and continuing through February 23, 2046. This creates a predictable and reliable income stream for the minor over a set period.

4. The parties do not believe Court approval of the settlement is required. However, in an abundance of caution, the parties respectfully request that this Court approve the settlement.

5. The terms of the settlement are confidential. Should the Court require knowledge of the terms, the parties respectfully request that the Court entertain a brief telephonic hearing so that the parties may disclose the terms of the settlement to the Court confidentially.

WHEREFORE, the parties respectfully request this Court enter an Order approving the settlement in this matter, consistent with the attached proposed Order.

DATED: January 7, 2025

Respectfully submitted,

By: /s/ Roland Witherspoon

Roland Witherspoon

State Bar No. 24086097

Admitted Pro Hac Vice

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on **January 7, 2025**, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the following attorneys of record who have consented in writing to accept this notice as service of this document by electronic means:

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